

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:04-cv-00192-FDW

**IN RE SPX CORPORATION ERISA
LITIGATION**

ORDER

THIS MATTER comes now before the Court upon Plaintiff's Motion for an Order to Approve Distribution of The Settlement Fund (the "Distribution Motion") (Doc. No. 49). On consideration of the Settlement Agreement that the Court approved with respect to the Settlement with defendants, it is hereby ORDERED as follows:

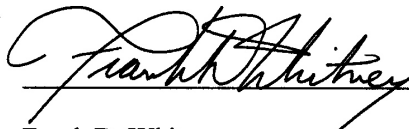
1. The procedures used and actions taken by the Administrator, Heffler, Radetich & Saitta LLP ("HR&S"), and Plaintiff's counsel for the administration of the Settlement are hereby adjudged to have been proper and complete. The Court hereby approves the administrative determinations of HR&S in this matter.
2. The Court approves payment from the Settlement Fund of HR &S's unpaid fees and costs of claims administration, as shown on Exhibits B and C to the Sincavage Declaration. The total of fees and expenses described above is \$23,933.37.
3. The Court approves the Settlement Fund Analysis as shown on Exhibit C to the Sincavage Declaration.
4. The Court approves the distribution of the balance of the Settlement Fund (the "Net Settlement Fund") to the SPX Retirement Plan for the accounts of Authorized Claimants listed on the Claimants Listing (Exhibit A to the Sincavage Declaration), in accordance with the Plan of Allocation as approved by the Court. The account of

each Authorized Claimant shall receive its pro rata share of the Net Settlement Fund calculated by HR&S, based on HR&S's calculation of Net losses.

5. The Court also finds that, 365 days after the initial distribution of the Net Settlement Fund to the SPX Retirement Fund, it will be appropriate for HR&S to destroy all correspondence related to this case. HR&S shall, however, retain all administrative records, including copies of the Claimants Listing and the computer database used to create the Claimants Listing, for a period of three (3) years after the initial distribution of the Net Settlement Fund to the SPX Retirement Fund.
6. HR&S, Plaintiff, Plaintiff's counsel and all other persons involved in the review, verification, calculation, tabulation, or any other aspect of processing the claims of Class Members are released and discharged from all claims arising out of such involvement. All Class members and claimants, whether or not they receive payment from the Settlement Fund, are barred from making any further claims against the Settlement Fund or the persons released beyond the amount allocated to them by HR&S pursuant to this Order.

IT IS SO ORDERED.

Signed: April 18, 2008

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

